

MEMORANDUM

Agenda Item No. 11(A)(15)


TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: July 6, 2006

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Resolution relating to
amending Resolution
R-377-04

The accompanying resolution was prepared and placed on the agenda at the request of Commissioner Carlos A. Gimenez.

for: 
Murray A. Greenberg
County Attorney

MAG/jls



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

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County Attorney

SUBJECT: Agenda Item No. 11(A)(15)

Please note any items checked.

- _____ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- _____ 6 weeks required between first reading and public hearing
- _____ 4 weeks notification to municipal officials required prior to public hearing
- _____ Decreases revenues or increases expenditures without balancing budget
- _____ Budget required
- _____ Statement of fiscal impact required
- _____ Bid waiver requiring County Manager's written recommendation
- _____ Ordinance creating a new board requires detailed County Manager's report for public hearing
- _____ Housekeeping item (no policy decision required)
- _____ No committee review

Approved _____ Mayor

Agenda Item No. 11(A)(15)

Veto _____

7-6-06

Override _____

RESOLUTION NO. _____

RESOLUTION AMENDING RESOLUTION R-377-04 TO
PROVIDE THAT RESOLUTIONS APPROVING CONTRACTS
SHALL BECOME EFFECTIVE TEN DAYS AFTER
APPROVAL BY THE BOARD UNLESS A COMMISSIONER
ON THE PREVAILING SIDE FILES WITH THE CLERK OF
THE BOARD A NOTICE OF INTENT TO RECONSIDER

WHEREAS, on March 16, 2004, the Board of County Commissioners adopted
resolution R-377-04 relating to the effective date of resolutions approving contracts; and

WHEREAS, resolution R-377-04 directs the County Manager to include language in any
proposed resolution or other request submitted to the County Commission for approval of a
contract and for authority to execute a contract on the County's behalf, expressly providing that
the resolution and contract shall not become effective until the time for making a motion to
reconsider such approval has expired and, if reconsidered, shall become effective only upon
subsequent approval of the County Commission; and

WHEREAS, in order to further expedite the contracting process, the Commission finds
that it is in the best interest of the citizens of Miami-Dade County to modify resolution R-377-04
to provide that any resolution approving a contract shall become effective ten (10) days after
approval by the Commission unless a Commissioner on the prevailing side of the vote to approve
the contract files with the Clerk of the Board, within ten (10) days after the adoption of the
resolution, a notice of intent to move to reconsider the approval of the contract,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY
COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that resolution R-377-04 is
hereby amended to read as follows:

Section 1. Any resolution or other action approving a contract shall become effective ten (10) days after approval by the Commission unless a Commissioner on the prevailing side of the vote files with the Clerk of the Board, within ten (10) days after the Commission action, a notice of intent to move to reconsider the approval of the resolution or other action (hereinafter “notice of intent to reconsider”). In the event that a Commissioner files a notice of intent to reconsider, the resolution or other action shall not become effective until the time for making a motion to reconsider such approval has expired and, if reconsidered, shall become effective only upon subsequent approval of the County Commission.

Section 2. Notwithstanding the allowance for reconsideration set forth above, the effective date of any resolution or other Commission action approving a contract where a notice of intent to reconsider has been filed shall not exceed sixty (60) days following Commission adoption of the resolution.

Section 3. The County Manager is directed to include in contract specifications the language required to give effect to this resolution.

Section 4. The County Manager may recommend that the requirements of this resolution be waived for a specific contract when the Manager deems it to be in the best interests of the County.

Section 5. Nothing contained herein shall be construed to amend in any way the Mayor’s power to veto as stated in section 1.10A of the Home Rule Charter.

The foregoing resolution was sponsored by Commissioner Carlos A. Gimenez and offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman
Dennis C. Moss, Vice-Chairman

Bruno A. Barreiro
Audrey M. Edmonson
Sally A. Heyman
Dorrin D. Rolle
Katy Sorenson
Sen. Javier D. Souto

Jose "Pepe" Diaz
Carlos A. Gimenez
Barbara J. Jordan
Natacha Seijas
Rebeca Sosa


The Chairman thereupon declared the resolution duly passed and adopted this 6th day of July, 2006. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Hugo Benitez